

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

) Criminal No. 5:24-CR- 267(BKS)

5

Indictment

DAVID HULLIHEN,

) Violations: 18 U.S.C. § 2252A(a)(2)(A)
) [Distribution of Child
) Pornography]

Defendant.

18 U.S.C. § 2252A(a)(5)(B)
[Possession of Child
Pornography]

) 2 Counts and Forfeiture Allegation

) County of Offense: Onondaga

THE GRAND JURY CHARGES:

COUNT 1

[Distribution of Child Pornography]

On or about February 4, 2024, in Onondaga County in the Northern District of New York, the defendant, **DAVID HULLIHEN**, did knowingly distribute and attempt to distribute child pornography using a means and facility of interstate and foreign commerce, shipped and transported in and affecting such commerce by any means, including by computer, in that the defendant, using the Internet or cellular service distributed one or more graphic video files depicting a minor or minors engaged in sexually explicit conduct over a messaging application to a law enforcement officer acting in an undercover capacity, in violation of Title 18, United States Code, Section 2252A(a)(2)(A).

COUNT 2
[Possession of Child Pornography]

On or about February 13, 2024, in Onondaga County in the Northern District of New York, the defendant, **DAVID HULLIHEN**, did knowingly possess material that contained one or more image and video files of child pornography that had been shipped and transported using any means and facility of interstate and foreign commerce and in and affecting such commerce by any means, including by computer, and that was produced using materials that had been shipped and transported in and affecting such commerce by any means, including by computer, that is, a Samsung Galaxy S8, model number SM-G950U1, serial number R28J948J52D, manufactured outside the state of New York, which contained numerous graphic image and video files of one or more minors engaged in sexually explicit conduct, in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

PRIOR CONVICTION ALLEGATION

The defendant, **DAVID HULLIHEN**, has the following prior final convictions under the laws of the state of New York relating to the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography:

- (1) On October 12, 2017, in Onondaga County Court, the defendant was convicted of one count of promoting a sexual performance by a child less than 17 years of age, in violation of New York Penal Law § 263.15, and, on October 12, 2017, he was sentenced to 16 months to 4 years in prison, followed by a 24-month term of post-release supervision.
- (2) On June 10, 2021, in Onondaga County Court, the defendant was convicted of one count of possessing a sexual performance by a child less than 16 years of age, in

violation of New York Penal Law § 263.16, and, on July 1, 2021, he was sentenced to 4 years in prison, followed by a 16-month term of post-release supervision.

These prior convictions affect the penalty provisions associated with Counts 1 and 2, pursuant to Title 18 United States Code, Section 2252A(b)(1) and (b)(2).

FORFEITURE ALLEGATION

The allegations contained in Counts 1 and 2 of this Indictment are hereby realleged and incorporated by reference herein for the purposes of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 2253.

Pursuant to Title 18, United States Code, Section 2253(a)(3), upon conviction of the charges alleged in Count 1 and 2, the defendant, **DAVID HULLIHEN**, shall forfeit to the United States of America any property, real and personal, used and intended to be used to commit and to promote the commission of the offenses. The property subject to forfeiture includes, but is not limited to, the following:

- a. One (1) Samsung Galaxy S8, model number SM-G950U1, serial number R28J948J52D.

Dated: June 12, 2024

A TRUE BILL,


Grand Jury Foreperson

CARLA B. FREEDMAN
United States Attorney

By:


Paul Tuck
Special Assistant United States Attorney
Bar Roll No. 520814